

MEDIA RELEASE

**Attention: News Director
For Immediate Release
February 8, 2007**



**U.S. DEPARTMENT OF JUSTICE
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**BOWLING GREEN MAN FOUND GUILTY OF 5 COUNTS OF
ATTEMPTED MURDER OF KSP AND ATF LAW ENFORCEMENT OFFICIALS,
5 COUNTS OF USING FIREARMS DURING THOSE ATTEMPTED MURDERS,
AND 1 COUNT OF CARJACKING**

- Took bystander's car with gun*
- Crashed into private home and exchanged gunfire with police for 72 hours*
- Faces a probable minimum sentence of 125 years*

David L. Huber, United States Attorney for the Western District of Kentucky, and Paul Vido, Special Agent in Charge of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Louisville Field Division, jointly announced that a five-time convicted felon, **RUSSELL L. SUBLETT**, age 43, of Oakland, Kentucky, in Warren County, was **found guilty** of 5 counts of attempting to murder ATF Agents and Kentucky State Police (KSP) Officials, 5 counts of using, carrying, and discharging firearms during the attempted murders, and 1 count of carjacking. The jury returned the verdicts yesterday, February 7, 2007, after 4½ days of trial and following approximately 11 hours of deliberation. United States District Judge Thomas B. Russell presided over the trial. From 1992 through 2002, **Sublett** had five state felony convictions including wanton endangerment, eluding police, escape, and assault on a police officer. Prior to the trial, **Sublett** pled guilty to unlawfully possessing the firearm used in committing the above offenses.

The case started with an ATF arson investigation of a horse barn fire and resulting deaths of horses and turned into a high-speed chase with police at speeds up to 100 mph, exchange of gunfire, the carjacking of a bystander's automobile, another high speed chase, more exchange of gunfire, the carjacker's crash into a home, all resulting in a 72-hour standoff with the ATF and

Kentucky State Police. While barricaded in the house, **Sublett** exchanged more gun fire with federal agents and police.

Facts of the Case

The United States presented evidence over the course of 4½ days. The prosecution presented testimony from approximately 30 witnesses and introduced more than 170 exhibits into evidence. The evidence introduced during trial showed the following.

ATF Arson Investigation

On or about September 21, 2004, a Bowling Green resident called the local Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Office to report that her horse barn had been burned, resulting in the deaths of several horses and loss of personal property. She stated that she believed that the fire had been purposely set. Law enforcement officials interviewed the barn owner and developed leads on individuals with whom they should conduct additional interviews, including **Sublett** who had worked at the horse barn.

A few days later, on September 24, 2004, law enforcement officials traveled to **Sublett's** home in Warren County. **Sublett** voluntarily traveled from his home to the Warren County / Bowling Green Drug Task Force Office with law enforcement officials. While there, he talked to the officers and agents about the barn fire, and other matters, including his concerns regarding suspected drug manufacturing near his home. An ATF Special Agent then drove **Sublett** back to his residence.

Investigation Leads to Sublett's Illegal Sawed-off Shotgun

Approximately four days later, on September 28, 2004, **Sublett's** then-wife contacted the Bowling Green ATF Office. She told the agent receiving the call that she wanted to talk to agents about the fire. Law enforcement officials met with her at the Kentucky State Police (KSP) Post 3 in Bowling Green. During the meeting, she told the law enforcement officials about **Sublett's**

possession of a sawed-off shotgun. She described the firearm to the officials and told them that after **Sublett** returned from his meeting with the police on August 24, 2004, she discovered him sitting in the dark on the front porch of their house with the sawed-off shotgun. She stated that **Sublett** also had a Planters Peanut can full of shotgun shells out on the porch with him and that later that night she saw him take the sawed-off shotgun and Planters Peanut can upstairs to the attic of the house. She stated that Sublett had owned the sawed-off shotgun for approximately two years and that she knew it was capable of firing.

Law enforcement officials also interviewed a co-worker of **Sublett's**. During the interview, the man stated he had observed **Sublett** with a sawed-off shotgun. The man told law enforcement that sometime in February 2004, **Sublett** had brought the sawed-off shotgun to the horse barn and kept it wrapped in a towel. He described the sawed-off shotgun as being approximately 12" in length and rusty. He stated both the barrel and the stock had been cut off. The man testified during the trial and identified a sawed off shotgun introduced into evidence as the one **Sublett** had possessed. He testified that he had last seen **Sublett** with the sawed off shotgun a couple of months before the September 29, 2004, incident. He also told the jury that he had seen **Sublett** with a small handgun in his El Camino car.

Sublett's Prior Felony Convictions Lead to Search Warrant

Based on the information gathered by law enforcement regarding the sawed off shotgun as well as confirmation that **Sublett** had previously been convicted of felony offenses, law enforcement officials applied for and obtained a search warrant for **Sublett's** residence. They planned to execute the Search Warrant on September 29, 2004. That morning, law enforcement officials met at the Bowling Green ATF Office for a briefing. Due to **Sublett's** extensive criminal history (including several instances of fighting the police) and the fact that he had elderly, invalid parents (his mother and stepfather) living in the house with him, agents planned to advise **Sublett** of the Search Warrant

while he was away from the residence for security reasons. His prior convictions included:

- On November 6, 1992, **Sublett** was convicted of First Degree Wanton Endangerment in case number 92-CR-00010 in Barren Circuit Court, Barren County, Kentucky. This incident involved a high-speed car chase involving the police. (The case also involved a misdemeanor conviction for attempting to elude the police);
- On November 6, 1992, **Sublett** was convicted of Receiving Stolen Property in case number 92-CR-00009 in Barren Circuit Court, Barren County, Kentucky;
- On January 18, 1995, **Sublett** was convicted in Hart County in case number 94-CR-00013 of first degree wanton endangerment. (The case also involved misdemeanor convictions for attempting to elude police and operating a motor vehicle on a suspended license);
- On March 2, 1998, **Sublett** was convicted of Theft by Unlawful Taking over \$300 (amended down from First Degree Robbery) and First Degree Wanton Endangerment, in case number 94-CR-00112 in Warren Circuit Court, Warren County, Kentucky. (This case also involved misdemeanor convictions for Third Degree Escape (from police custody) and operating a motor vehicle on a suspended license); and
- On May 21, 2002, **Sublett** was convicted of Third Degree Assault (on a police officer) in case number 01-CR-00358-02 in Warren Circuit Court, Warren County, Kentucky

Attempted Meeting with Sublett

An ATF Special Agent talked with **Sublett** by telephone early on September 29, 2004. During the earlier meeting on September 24, 2004, **Sublett** had provided the agent with information regarding drug activity. The agent asked **Sublett** if he was willing to view some photographs in connection with the drug activity information **Sublett** had previously provided. **Sublett** agreed to meet the agent at the Warren County / Bowling Green Drug Task Force Office. However, he later called and advised that he had to take his stepfather to the hospital in Glasgow, Kentucky. The ATF Special Agent asked if it would be O.K. to stop by the hospital on his way to Louisville, and **Sublett** agreed to meet him at the hospital.

The ATF Special Agent and a KSP detective traveled to the T.J. Sampson Medical Center in Glasgow for the purpose of meeting with **Sublett**. Two additional KSP Troopers met the ATF

agent and KSP detective at the hospital. The KSP detective went into the hospital to see if he could locate **Sublett**. The KSP detective was unsuccessful and then met up with the other law enforcement officials in the parking lot. While the officers were talking, one KSP Trooper saw **Sublett's** car leave the parking lot and drive away from the hospital. The officers got into their vehicles (including two marked police cruisers) and began to follow **Sublett** who traveled in the direction of returning to Bowling Green.

High Speed Chase

One KSP Trooper activated his blue lights while directly behind **Sublett** and the other Trooper, now two cars back, also activated his lights. The video recorders in the two Troopers' cars activated and recorded the events that followed. **Sublett** refused to pull to the side of the road. The Trooper observed **Sublett** reaching for something on the passenger side of the vehicle and place the unknown item under his right leg. **Sublett** sped up and led the police on a high-speed chase from Barren into Warren County, at times reaching speeds nearly 100 mph. Efforts to stop **Sublett's** car were unsuccessful. KSP officials ultimately put out "stop sticks" on Highway 68/80 just past the I-65 overpass. **Sublett's** car went over the stop sticks causing all tires to deflate. **Sublett** hit another automobile, causing it to spin out of control and began to lose control of his car.

Eventually, **Sublett's** car stopped in the middle of the road. He crawled out of the window of the car. According to witness testimony, **Sublett** then pointed a handgun at the police who had also stopped in the road and exchanged gun fire with police.

Carjacking

While the gun fire was occurring, **Sublett** ran away from the police (turning several times and pointing the handgun back at them), he approached a car that had come upon the scene. A woman was driving home from work that afternoon and could not back the car up fast enough to get away from the situation. As **Sublett** approached the car, he yelled to the police that he would kill

her (the driver). He opened her car door and pulled her from the car. **Sublett** again fired at the police while getting into the car. **Sublett** took the car and drove it at high rates of speed toward 31W. The woman had recently purchased the car from the Pontiac dealer in Bowling Green, Kentucky. Police were not able to find the handgun **Sublett** used in the incident.

Sublett Crashed into Home of Former Employer

Sublett traveled in the stolen car to the home of his former employer. **Sublett** drove through the front fence and literally crashed the car into the front of the house. He climbed out of the car and entered the home.

72 Hour Gun Battle Siege Begins

Law enforcement officials followed **Sublett** to the residence and set up a perimeter to control the scene. The home owner provided information to law enforcement regarding numerous firearms (including a pistol, rifles, and shotguns) in the residence. Shortly after entering the residence, **Sublett** began firing firearms inside the residence. Not long after, **Sublett** began firing a shotgun toward the law enforcement officials in front of the residence. Officials heard the shotgun blasts and also heard the pellets hitting the brick column in front of them as well as around the area providing them with cover. No law enforcement official returned fire during the initial stand-off at the residence. The KSP officials and ATF agent positioned immediately in front of the residence testified during the trial that they believed **Sublett** was firing at them from the house.

When **Sublett** first entered the residence, he called his wife. He told her what had happened, that he had been shot by the police, and made threats against law enforcement as well as the home owners. His wife then called the homeowner and told him what had happened. The homeowner called his home phone number and **Sublett** answered the phone. During the conversation, **Sublett** cursed the homeowner, blamed the homeowner for what had happened (purportedly because the homeowner had recently fired **Sublett**), stated that he was going to take as many of the police

officers out with him as he could, and told the homeowner that he wished the homeowner's wife and baby had been home so he could have killed them. **Sublett** also told the homeowner that he planned to "go out like a cowboy." He also told the homeowner that he had made it to the basement with all of the homeowner's firearms. Another person also called the residence during this time period. That man testified that when he called the house, **Sublett** answered and said, "get off the f....ing phone . . . I'm fightin' the police." **Sublett** remained barricaded in the residence until Saturday, October 2, 2004. In an effort to limit access to and from **Sublett** to law enforcement only, arrangements were made to change the home number and only allow incoming calls. However, shortly after this took effect, the home's fire alarm activated which jammed the telephone line.

Special Police Teams, Video Robots Used by Police

Additional KSP personnel (including Special Response Team "SRT" members, negotiators, and robot handlers), and federal agents arrived at the residence. Law enforcement officials made contact with **Sublett** on the house phone. They also began preparing to use a robot to enter the residence to determine **Sublett's** location in the house. Additionally, SRT members deployed tear gas and flash/bang distraction devices. During the night and early morning hours of September 30, 2004, an SRT member positioned directly across the street from the residence heard gun fire and pellets/debris falling overhead. **Sublett** was firing in the direction of the SRT member's position.

Law enforcement officials used robots to enter the residence. The robots allowed law enforcement officials to deliver a new telephone for the purpose of negotiations as well as provided video feed from inside the residence. Law enforcement officials also used an Armored Personnel Carrier (APC) to approach the front of the residence.

On October 1, 2004, ATF Special Agents were around the APC in front of the residence attempting to fire more tear gas into the house. **Sublett** charged up the stairs from the basement and fired shots at the agents. The agents testified during the trial and described **Sublett** directing fire at

them.

Video from the robot in the residence also showed **Sublett** charging up the basement stairs and firing a 12-gauge shotgun on several occasions on October 2, 2004. The agents testified that **Sublett** fired directly at them. Two ATF agents described “locking eyes” with **Sublett** as he fired the shotgun at them. **Sublett**, however, ran so quickly back down the stairs that he escaped law enforcement gunfire. During one incident, however, an ATF sniper positioned across the street from the residence fired a single shot at **Sublett**. At the time the sniper fired the shot, **Sublett** was on the basement stairs holding a shotgun. The bullet grazed the front-stock of the shotgun and hit **Sublett** in his right shoulder. The robot video feed showed **Sublett** talking and laughing with negotiators. It also revealed **Sublett** telling the negotiators, “I’m not crazy . . . I just got a lot of hate.” On another occasion, he stated, “Ain’t no help for what I’ve got. This is hate.”

Sublett Talked out of House by Bowling Green Police Officer

Later in the afternoon / early evening hours of October 2, 2004, a Bowling Green Police Officer with whom **Sublett** had had prior contact and had known for many years talked to **Sublett** from the Command Post. During the course of their conversation, **Sublett** laid down the shotgun and surrendered to law enforcement. Law enforcement officials arrested **Sublett** and transported him to a local hospital where he was treated for several wounds.

Law enforcement officials retrieved evidence from the residence where **Sublett** had barricaded himself. Among other things, they located and seized four shotguns, nine rifles, and numerous spent rounds of ammunition. The firearms were found throughout the basement area and second floor of the residence.

To rebut the defense theory of diminished mental capacity, the jury also heard evidence of an incident that occurred a few days before the high-speed chase, shootout, and barricade. An Amish man described for the jury how **Sublett** had stopped him along the road in Warren County

to talk about his (**Sublett's**) car. The man told the jury that **Sublett** bragged that he had "souped up" the car engine to enable him to outrun anybody in the country - including the police. The United States also presented evidence that **Sublett** had utilized crawl spaces under the residence to escape the gas and distraction devices.

Sublett pled guilty prior to the beginning of the trial to being a multiple-convicted felon in possession of the firearms listed above. He also pled guilty to possessing those firearms while under a Domestic Violence Order. Under federal law, **Sublett** is considered an Armed Career Criminal, and therefore subject to enhanced statutory sentencing. Due to this prior criminal record and the statutory mandatory minimum sentences applicable in this case, **Sublett** faces a minimum sentence of 125 years' imprisonment. The maximum potential penalties include life imprisonment.

Assistant United States Attorney Jo E. Lawless prosecuted the case. The Bureau of Alcohol, Tobacco, Firearms & Explosives and Kentucky State Police conducted the investigation. During the barricade, the Nashville (Tennessee) Police Department and Lexington (Kentucky) Police Departments provided assistance through the use of the APC and robots. The Bowling Green (Kentucky) Police Department provided the assistance of a negotiator. U.S. Attorney Huber said, "The cooperation of federal state and local law enforcement was outstanding throughout the course of the incident and that all diligently worked to bring about a peaceful resolution to the standoff.

Sublett will be sentenced in United States District Court, Bowling Green Division in early May, 2004. Judge Russell advised that a specific date would be set by further order of the Court.

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